



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474 M/S 3999
DALLAS TX 75265

MAILED
MAY 16 2012
OFFICE OF PETITIONS

In re Application of	:
Anderskouv, et al.	:
Filing Date: June 15, 2001	: DECISION ON APPLICATION
Application No. 09/623,554	: FOR PATENT TERM ADJUSTMENT
International Filing Date:	:
March 3, 1999	:
Patent No. 8,098,091	:
Issued: January 17, 2012	:
Atty Docket No. TI-31636	:

This is in response to the "REQUEST FOR RECONSIDERATION OF DECISION TO DISMISS APPLICANT'S REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT", filed February 1, 2012. Patentees request that the determination of patent term extension under 35 U.S.C. 154(b) be corrected from zero (0) days to two thousand seven hundred seventy-two (2772) days.

The petition is **DISMISSED**.

On July 1, 2011, the Office mailed the Determination of Patent Term Extension under 35 U.S.C. 154(b)(application filed after June 7, 1995 but prior to May 29, 2000) in the above-identified application. The Notice stated that the patent term extension to date is 0 days. On January 17, 2012, the application issued as Patent No. 8,098,091 with a patent term extension / adjustment of 0 days.

The Patent Term Guarantee Act of 1999 amended 35 U.S.C. § 154 to include § 154(b), which provides for adjustment of patent term due to examination delay. The provisions of § 154(b) related to adjustment of patent term due to administrative delays apply only to original applications, other than designs, filed on or after May 29, 2000. The provisions do not apply to international application filed before May 29, 2000 by virtue of the requirements of 35 U.S.C. 371 having been met on or after May 29, 2000. The date on which an international application fulfills the requirements of 35 U.S.C. 371 is not the filing date, or even relevant to the filing date, of the international application. Section 4405 of the American Inventors Protection Act of 1999 provides that the amendments relating to patent term adjustment shall apply to any application filed on or after May 29, 2000, but does not provide that its patent term adjustment provisions apply to international applications filed before May 29, 2000, that complied with the requirements of 35 U.S.C. 371 on or after May 29, 2000. See Comment 6 to *Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term; Final Rule*, 65 Fed. Reg. 54366 (September 18, 2000).

Since the international filing date of this application, March 3, 1999, is before May 29, 2000, this application is not eligible for patent term adjustment due to examination delay.

Since this application did not have a successful appeal, interference or secrecy order delay, this application is not eligible for the extension or adjustment under 35 U.S.C. 154. The Office has no authority to grant an extension or adjustment of the term due to administrative delays except as authorized by 35 U.S.C. § 154.

Telephone inquiries with regard to this communication should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions